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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 BENJAMIN D. MORROW,
12 Defendant.

3:19-CR-041-MMD-WGC

Preliminary Order of Forfeiture

13 This Court finds Benjamin D. Morrow pled guilty to Counts One and Two of an
14 Eight-Count Criminal Indictment charging him with distribution of child pornography in
15 violation of 18 U.S.C. § 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea,
16 ECF No. 110; Plea Agreement, ECF No. 103.

17 This Court finds Benjamin D. Morrow agreed to the forfeiture of the property set
18 forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the
19 Criminal Indictment. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 19;
20 Change of Plea, ECF No. 110; Plea Agreement, ECF No. 103.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United
22 States of America has shown the requisite nexus between property set forth in the Plea
23 Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment
24 and the offenses to which Benjamin D. Morrow pled guilty.

25 The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or
26 any book, magazine, periodical, film, videotape, or other matter which contains any such
27 visual depiction, which was produced, transported, mailed, shipped or received in violation
28 of 18 U.S.C. § 2252A(a)(2), or (2) any property, real or personal, used or intended to be used

1 to commit or to promote the commission of 18 U.S.C. § 18 U.S.C. § 2252A(a)(2), or any
2 property traceable to such property and is subject to forfeiture pursuant to 18 U.S.C. §
3 2253(a)(1) and 2253(a)(3):

- 4 1. Apple iPhone 6S with black Spigen case and sim cards;
- 5 2. Apple A1398 laptop (gray) with charger, serial number C02K1038DKQ4;
- 6 3. LG LG-V410 tablet (black) with case;
- 7 4. Hitachi HDS72207 hard drive, serial number JK121YAG7A8XS;
- 8 5. Seagate ATA ST3400620AS hard drive, serial number 5QG0814F;
- 9 6. Hitachi HDS7202 hard drive, serial number JK11360YAGYXSMT;
- 10 7. LG LG441G flip phone (black), serial number 503CYDG223506;
- 11 8. HTC Sprint phone (black), serial number HT06SHL00698;
- 12 9. Samsung HD501LJ hard drive, serial number S0VVJGP500093;
- 13 10. Apple iPhone A1429 (black) with case;
- 14 11. Apple A1199 80GB iPod (silver/black), serial number YM72949UVQT;
- 15 12. Rally2 2GB flash drive (black/silver);
- 16 13. IBM Thinkpad X22 (black), serial number FX-R9026 01/09;
- 17 14. Apple MacBook A1181 (white), serial number 4H649KP2WGL;
- 18 15. Ridata 16GB flash drive (black);
- 19 16. Two Sim Cards (white);
- 20 17. Samsung SM-B780AUD flip phone, serial number R31G801MCGH;
- 21 18. Dell Latitude E4200 laptop, serial number 8LQTQJ1;
- 22 19. Apple A1490 iPad with case (black), serial number F4KM63X3FLMQ;
- 23 20. HP a6700y computer tower, serial number MXX850026B;
- 24 21. HP 8GB flash drive;
- 25 22. Apple 80GB iPod with charger (black);
- 26 23. Apple A1199 iPod w/charger (gray), serial number 6U641619VQ5;
- 27 24. GoPro Hero4 (gray);
- 28 25. Lexar 4GB SD card (black); and

1 26. TMCC flash drive (black)
2 (all of which constitutes property).

3 This Court finds that on the government's motion, the Court may at any time enter
4 an order of forfeiture or amend an existing order of forfeiture to include subsequently
5 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
6 32.2(b)(2)(C).

7 This Court finds the United States of America is now entitled to, and should, reduce
8 the aforementioned property to the possession of the United States of America.

9 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
10 DECREED that the United States of America should seize the aforementioned property.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
12 rights, ownership rights, and all rights, titles, and interests of Benjamin D. Morrow in the
13 aforementioned property are forfeited and are vested in the United States of America and
14 shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
16 of America shall publish for at least thirty (30) consecutive days on the official internet
17 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
18 describe the forfeited property, state the time under the applicable statute when a petition
19 contesting the forfeiture must be filed, and state the name and contact information for the
20 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
21 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
22 the government may instead serve every person reasonably identified as a potential claimant
23 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
24 Rule G(4)(a)(i)(A).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
26 or entity who claims an interest in the aforementioned property must file a petition for a
27 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
28 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §

1 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
2 right, title, or interest in the forfeited property and any additional facts supporting the
3 petitioner's petition and the relief sought.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
5 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
6 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
7 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
8 after the first day of the publication on the official internet government forfeiture site,
9 www.forfeiture.gov.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
11 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
12 Attorney's Office at the following address at the time of filing:

13 Daniel D. Hollingsworth
14 Assistant United States Attorney
15 501 Las Vegas Boulevard South, Suite 1100
16 Las Vegas, Nevada 89101.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
18 described herein need not be published in the event a Declaration of Forfeiture is issued by
19 the appropriate agency following publication of notice of seizure and intent to
20 administratively forfeit the above-described property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
22 copies of this Order to all counsel of record.

23 DATED May 5, 2021.

24 
25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE